

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

JUSTIN JONES

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CRIMINAL NO. 4:15-CR-161-ALM-KPJ

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 10, 2021, to determine whether Defendant violated his supervised release. Defendant was represented by Michelle Allen-McCoy. The Government was represented by Tracey Batson.

On December 19, 2017, United States District Judge Amos L. Mazzant sentenced Defendant to a term of twelve (12) months' imprisonment, three (3) years of supervised release, and a special assessment fee of \$100. On May 23, 2019, the term of supervised release was revoked, and Defendant was sentenced to twenty-one (21) months' imprisonment followed by twelve (12) months' of supervised release.

On April 1, 2021, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 646). The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant must submit to substance abuse testing, under the guidance and direction of the U.S. Probation Office; and 2) Defendant must participate in a program of testing and treatment for substance abuse and follow the rules and regulations of that program until discharged.

The Petition asserts that Defendant violated these conditions because: (1) Defendant has not participated in the Random Drug Testing Program since his enrollment in the Program on March 5, 2021; and (2) Defendant failed to attend a substance abuse counseling intake at Texoma Counseling Associates on March 19, 2021 and March 26, 2021.

At the August 10, 2021 hearing, Defendant entered a plea of true to allegations 1 and 2. *See* Dkt. 656. Defendant also consented to revocation of his supervised release and waived his right to appear before the District Judge. *See* Dkt. 657. The Court finds that Defendant has violated the terms of his supervised release, and thus, his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the August 10, 2021 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months, to be served consecutively to any other sentence imposed, with no term of supervised release to follow. Additionally, the Court recommends Defendant be placed at a Federal Bureau of Prisons facility in El Reno, Oklahoma, if appropriate.

So ORDERED and SIGNED this 11th day of August, 2021.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE